**7427**

November 24, 2015

A Work Session of the Borough Council of the Borough of Avalon was held on

Tuesday, November 24, 2015 at 4:00 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public -------------------- 4 Reporters ----------------------- 1

The Meeting was called to order by Council President Dean.

Pledge of allegiance.

Roll call: Council President Dean Present

Councilman Burns Present

Councilman Covington Present

Council Vice President Hudanich Absent

Councilman McCorristin Present

Also present:

Scott Wahl, Business Administrator

James Waldron, Assistant Business Administrator

Stephen D. Barse, Esquire, Borough Solicitor

Paul Short, Code Enforcement Official

William Macomber, Director of Public Works/Utilities

William McCormick, Chief of Police

Thomas R. Thornton, P.E., Borough Engineer, Hatch Mott Macdonald, LLC

Notice of this Work Session was included in the Annual Schedule of Meetings dated June 24, 2015. It was given to the news media and posted on the Official Bulletin Board as required by law.

Council President Dean read the Open Public Meetings Act Announcement.

Discussion regarding Resolution authorizing refunds for dredge surveys for the 2014-2016 dredge project.

Scott Wahl, Business Administrator explained that people sent their deposits for dredging and then decided against having their private slips dredged and have requested a refund.

Council agreed to proceed with a Resolution at the Regular Meeting on December 9, 2015.

Discussion regarding Resolution authorizing the release of certain rental bonds posted with the Borough of Avalon.

Council briefly discussed this matter and agreed to proceed with a Resolution at the Regular Meeting this afternoon.

Discussion regarding Resolution awarding Contract for Custodial Cleaning Services for Borough Facilities.

Scott Wahl, Business Administrator explained that the custodial services contract which is an annual renewal went out to bid and the bid opening was held November 10, 2015. He said two bids were received from Capital Contractors and Action Janitorial. He noted Capital Contractors was the lowest bid at $65,394.00. He said Joe Clark, QPA and Alan Gould, Esq. reviewed the contracts and recommended the bid award be given to Capital Contractors.

William Macomber, Director of Public Works/Utilities said Capital Contractors has been the Borough’s contractor for the last three years and he has been happy with their work and in canvassing other department heads, they have responded favorably as well.

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Councilman Covington asked for clarification for the term ‘call as needed’.

William Macomber explained it was for the in-house cleaner at Borough Hall. He said if that cleaner is off, they can use Capital to clean Borough Hall but have only needed to do that one week out over seven years.

Council agreed to proceed with a Resolution at the Regular Meeting on December 9, 2015.

Discussion regarding Resolution Authorizing Change Order No. 1 to 2014 Back Bay Dredging Project.

Scott Wahl, Business Administrator gave an overview of dredging the Sport Fishing Center by Mobile Dredging for a price of $56,030 to move approximately 540 cubic yards of material for safety and navigation concerns.

Thomas R. Thornton, P.E., Borough Engineer, Hatch Mott Macdonald, LLC explained the original construction drawings put out to bid included the public waterway including the Sport Fishing Center up to the main floating dock. He said unfortunately it should have been drawn on the other side of that dock because the dock was resting on mud at low tide and the reason for this goes back to the Army Corp of Engineers last minute requirement adjusting dredging limits to minimize impact. He added the sub-contractors cost is $34,000 and Mobile is obligated under the contract provisions of 10% for overhead and profit and the additional cost would be Mobile dredging of that additional material.

Councilman McCorristin asked if the $19,000 is for Mobile Dredging.

Thomas R. Thornton, P.E., responded yes. He said Mobile’s request for the Change Order included the sub-contractor cost, 10% overhead and additional dredging with no cost listed. He said Hatch Mott looked at the pre-dredge survey and estimated the cubic yards added to the volume to remove that material.

Brief discussion followed and Council agreed to proceed with a Resolution at the Regular Meeting this afternoon.

Discussion regarding Resolution removing a Special Condition from Plenary Retail Consumption Licenses and Club License as recommended by the Director of the Alcoholic Beverage Control.

James Waldron, Assistant Business Administrator, explained the Borough Clerk received notice from the Director of the Division of Alcoholic Beverage control with concerns regarding a special condition currently on all Plenary Retail Consumption Licenses and Club License. He said this condition was imposed in 2010 and up to this point the ABC has not raised any issues or concerns but this year the Acting Director of the ABC has found it objectionable. He added the Borough Clerk did an extensive search of the minutes from 2009 forward and there is no documentation that exists within those minutes that can shed any light on why this condition was first implemented. He said the condition is ambiguous and vague and it would be difficult to enforce. He added Detective Sgt. Gaughan had discussions with the ABC in terms of modification or relenting their position as well as the Borough Clerk and the ABC will not approve the renewal of the licenses until such time the Borough acts to remove this condition. He said by removing the condition the Borough sacrifices nothing, whatever enforcement the Borough has remains.

Brief discussion followed. Council agreed to proceed with a Resolution at the Regular Meeting this afternoon.

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November 24, 2015

Discussion regarding Ordinance Amending Chapters 2, 17, 18 and 19 of the Code of the Borough of Avalon, 2013.

James A. Waldron, explained part of these amendments is in conjunction with the Boroughs Floodplain management plan. He said a part of that Sal DeSimone spoke with FEMA and there is a question of his title of Community Rating System Coordinator. He said under the New Jersey Department of Community Affairs the Construction Official is designated by the State as the Floodplain Administrator in every town. He added that he and Scott met with John Tracy and Sal DeSimone and it was concluded that naming John as the Floodplain Administrator and Sal as the Deputy Administrator would give Sal the authority and FEMA is satisfied with that arrangement. He said Sal will get the Deputy title with no money and will continue as the CRS Coordinator for the Borough under his current Professional Services Contract which will be amended to provide that his corporation provide the Borough with his individual services. He added those discussions led to the review of the Code Enforcement provisions in Chapter 2. He said currently Code Enforcement is limited to the Construction Official for the Uniform Construction Code only and in order to eliminate any doubt or ambiguity the proposed amendment is to restructure the Division of Code Enforcement into two Divisions; the Construction Code Enforcement and General Code Enforcement Official which would be Paul Short. He added by restructuring it clarifies areas of responsibility and eliminates any doubt from the Construction Official of duties outside the Uniform Construction Code. He said Chapter 17 amendments provide that the Director and Assistant Director of Public Works are identified to enforce the Municipal Recycling and Solid Waste Ordinances

Councilman Burns, expressed concerns regarding language in Recycling Enforcement concerning “any Designated Recyclable Material” and enforcement by the CMC Health Department.

James A.Waldron, explained the language of “any Designated Recyclable Material” comes directly from the CM County MUA and is standard in all communities serviced by them.

William Macomber, said the CMC Health Department Enforcement has always been in the Ordinance and was language based on what the County wanted.

Paul E. Short, Sr. Code Enforcement Officer, added the County Health Department has certain penalties when a Restaurant is involved concerning Trash.

Council agreed to proceed with an Ordinance to be introduced at the December 9, 2015 Regular Meeting.

Discussion regarding Resolution amending the Professional Services Contract with Lomax Consulting Group for out of scope services.

Scott Wahl, explained this amendment involves the coordination and monitoring of work done in connection with Armacost Park planting program. He said the reason this is coming up now is he wanted to make sure all the deliverables were received including the plan to see how the spring plantings have taken. He said the deliverables are in order; a draft copy has been received and he will meet with Mr. Lomax and present the plan at a future Council meeting.

Councilman McCorristin asked when Council will receive information as to whether some of the plantings took and what occurred.

Scott Wahl, responded Mr. Lomax and Aaron Baker monitored the project throughout the year. He said they tracked the invasive vines that were cut and the new plantings and without going into detail the preliminary draft report shows a good level of success. He said he will meet with Mr. Lomax, discuss the plan and make sure it gets vetted before the Environmental Commission and then come before Borough Council.

Council had no problem with the Amendment and agreed to proceed with a Resolution at the Regular Meeting on December 9, 2015.

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Discussion regarding Resolution awarding Contract for Lease of Structure of Cellular

Antenna Base on the 13th Street Water Tower.

Stephen D. Barse, Esquire, Borough Solicitor reviewed the bid package and Verizon has complied with all the requirements. He said there were some questions with the lease language which have been worked out and the only thing remaining is the insurance. He said the insurance requirement, as in all Borough Contracts contains a provision that the Borough be given 30 days’ notice prior to any cancellation or non-renewal of the insurance and Verizon is saying their insurance company will not provide the 30 day notice. He received an email today they will agree to put language if insurance is cancelled they will notify the Borough but not specify the 30 day provision.

Councilman Covington asked if all the carriers the Borough currently has provide this insurance provision.

Stephen D. Barse, Esquire, responded he spoke with Dominic Villecco and he agreed the Borough has always been able to get this provision.

Council agreed to have Mr. Barse notify Verizon that Council will not approve the contract without some level of notice of cancellation.

Public Comments:

None.

Motion made by Councilman McCorristin, seconded by Councilman Burns to adjourn the Work Session.

ROLL CALL VOTE: Councilman Burns Aye

Councilman Covington Aye

Council Vice President Hudanich Absent Councilman McCorristin Aye

Council President Dean Aye

Work Session adjourned at 4:45 p.m.

Respectfully submitted,

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Marie J. Hood, Borough Clerk

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Richard E. Dean, Council President